

# HOUSE . . . . . No. 2293

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Timothy J. Toomey, Jr.**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to build and renovate fire and police stations in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Timothy J. Toomey, Jr.	26th Middlesex
Richard J. Ross	9th Norfolk
Thomas M. Stanley	9th Middlesex
Bruce E. Tarr	First Essex and Middlesex
James E. Timilty	Bristol and Norfolk
Paul McMurtry	11th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2386 OF 2007-2008.]

## **The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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### **AN ACT TO BUILD AND RENOVATE FIRE AND POLICE STATIONS IN THE COMMONWEALTH.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1       SECTION 1. For the purposes of this act the following words and phrases shall have the  
2 following meanings:—

3       “Board”, the public safety assistance board.

4       “Joint public safety facility”, any building constructed, enlarged or renovated with the intent of  
5 housing more than one public safety agency.

6       “Construction standards”, the standards promulgated by the public safety assistance board which  
7 shall be used to determine the minimum and maximum sizes, including square footage,  
8 compliance with health and safety codes, compliance with all applicable provisions of federal,  
9 state and local law relative to the accessibility of facilities to handicapped persons, and the scope  
10 of design of a municipal police station, fire station, or joint public safety facility.

11       “Capital construction project”, a project for the construction, enlargement or renovation of a  
12 municipal police station, fire station or joint public safety facility.

13       SECTION 2. (a) There is hereby established in the executive office of public safety, a public  
14 safety assistance board, which shall consist of five members to be appointed by the governor,  
15 one of whom shall be a representative from the Massachusetts Municipal Association, one of  
16 whom shall be a representative of the Massachusetts Police Chiefs Association and one of whom  
17 shall be a representative of the Massachusetts Fire Chiefs Association. The governor shall first  
18 appoint one member for a period of one year, one member for a period of two years, one member  
19 for a period of three years, one member for a period of four years and one member for a period  
20 of five years; provided, however, that appointments made upon the expiration of a term of any  
21 member shall thereafter be for a period of five years. All members shall be residents of the  
22 commonwealth and one member shall be designated by the governor, from time to time, as  
23 chairman. The secretary of the executive office of public safety, or his designee, shall serve as an

24 ex-officio, non-voting member of said board.

25 (b) Said board shall be provided with suitable office space in the executive office of public  
26 safety. A majority vote of said board shall constitute action by the board; any action decided  
27 upon by said board shall be in writing and signed by a majority of said board. Each member of  
28 the board shall be reimbursed for any expenses actually incurred by him in the performance of  
29 his duties.

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31 SECTION 3. All administrative and clerical duties deemed necessary to carry out the provisions  
32 of this chapter shall be carried out by employees within the executive office of public safety,  
33 subject to the supervision and control of the board.

34 SECTION 4. (a) The board is hereby authorized and directed to establish and administer a grant  
35 program, to be known as the Public Safety Assistance Program through which the board shall be  
36 charged with awarding and prioritizing grants to cities and towns for capital construction  
37 projects, and to encourage and foster the establishment and building of joint public safety  
38 facilities in cities and towns which the board deems appropriate.

39 (b) All such grants made pursuant to this act shall be paid from funds in the Public Safety  
40 Assistance Fund pursuant to section eleven of this act. No grant shall be approved for any  
41 amount greater than seventy-five percent of the total construction costs for a police or fire station  
42 facility; provided, however, that in the case of a joint public safety facility, a grant may be  
43 awarded for up to ninety percent of the total construction cost. In no case shall a grant include  
44 payment for the principal, interest or any other amount obligated to be paid by a city or town in  
45 furtherance of a capital construction project. The specific percentage that a city or town is  
46 eligible for, if approved, shall be determined in accordance with rules and regulations  
47 promulgated by the board pursuant to this act; provided, however, that said rules and regulations  
48 shall include provisions to determine the financial obligations or two or more cities and towns  
49 when applying for a grant for a regional joint public safety facility; provided further that all grant  
50 payments shall be made by the public safety assistance board to a city or town in three equal  
51 payments over a three year period.

52 SECTION 5. Between January first and May first of each year, a city or town may apply to the  
53 board for a grant for a capital construction project, including costs incurred for the preparation of  
54 preliminary studies, plans, drawings and estimates related thereto. All applications shall comply  
55 with the construction standards promulgated by the board pursuant to this act; provided,  
56 however, that any city or town which has certified blueprints for a police station, fire station or  
57 joint public safety facility prior to the effective date of passage of this act, and who shall act in  
58 furtherance of said blueprints within one year of the effective date of passage of this act by  
59 commencing the capital construction project, shall not be subject to the construction standards  
60 promulgated by the board pursuant to this act. All application shall be accompanied by required  
61 documentation in the form prescribed by the board, including copies of the plans, drawings,  
62 estimates and other construction documents, together with such additional information as the  
63 board may require.

64 SECTION 6. The board shall establish criteria for making a decision to approve or reject the  
65 grant application for a capital construction project, and to determine the amount of such a grant;  
66 provided, however, that each application shall be placed in one of the following three categories

as determined by the population of the city or town in which the capital construction project will take place:— (1) cities or towns with a population of not more than 25,000, (2) cities and towns with a population of more than 25,000 but not more than 75,000, and (3) cities and towns with a population greater than 75,000. In making a decision to approve or reject an application, the board shall consider each category separately and shall in no case cause applicants from one category to compete for funding against applicants from any other category except the category in which the application was placed. The population of a city or town shall be determined pursuant to the most recent census figures.

(b) The board may vote to approve or reject such application after it is satisfied that: (1) the plans so submitted are satisfactory with respect to site, type and adequacy of the proposed construction or renovation; (2) that such a capital construction project is in the best interest of the respective city or town; (3) the city or town has demonstrated the ability and commitment to adequately maintain a new facility according to standards set forth by the public safety assistance board; and (4) the expenses so incurred are reasonable.

(c) After a vote which results in the approval of an application, the board shall then list all approved applications in order of priority and according to the three categories pursuant to subsection (a). Subject to availability of funding, the board shall certify to the comptroller for payment to such city or town, not exceeding such expenses, as it may deem proper. A city or town which has an approved capital construction project that has been prioritized by the board shall be notified of their ranking and said project shall not be removed from, or have its position altered on, the priority list until a grant has been awarded to such city or town except when conditions beyond the control of any city or town result in the destruction of an existing police or fire facility, necessitating immediate action from the board.

(d) The board shall begin making awards and ranking applications in order of priority pursuant to this section no later than January first of the year following the effective date of this act. Each year thereafter said grants shall be awarded on or before September first.

SECTION 7. (a) The board is hereby authorized to enter into contracts for technical service within the scope of its duties, to provide legal, architectural or other technical advice and assistance to all applicants in the planning, building or renovating of police and fire station facilities.

(b) The board is hereby authorized and directed to promulgate rules and regulations necessary to carry out the provisions of this act relative to capital construction project applications; provided, however, that said rules and regulations include standards to be known as “construction standards” which shall include a requirement that all police station facilities shall be designed to include a so-called, community meeting room; provided, further that the board shall establish a formula for the equitable distribution of revenues from the Public Safety Assistance Fund for each of the three categories of applications pursuant to subsection (a) of section six; and provided, further, that said rules and regulations shall be promulgated no later than September fifteenth of the year following the effective date of this act.

SECTION 8. The board may recommend to the general court such legislation as it may deem desirable or necessary to further the purposes of this act. The board shall submit biannual reports to the house and senate committees on ways and means and to the joint committee on public safety. Said reports shall include, but not be limited to, a listing of applications received and approved by the board to receive a grant under both grant programs, together with the amount of

each such grant, and a listing of cities and towns whose applications have not been approved, together with the reason for failure to approve such applications.

SECTION 9. (a) Any city or town which engages in a capital construction project using funds from a grant pursuant to this act shall not be eligible to apply for or receive a grant pursuant to this act for the construction or rehabilitation of the building which was the subject of said capital construction project for a period of twenty years; provided, however, that the board may waive the provisions of this section when conditions beyond the control of a city or towns severely damage or destroy the building which was previously the subject of a capital construction project.

(b) A city or town which engages in a capital construction project using funds from a grant pursuant to this act shall not hire an individual or company to work on said project in any manner without proof that said individual or company will pay to its employees the current prevailing wage in the commonwealth. Such proof shall be furnished to the board in the form of an affidavit signed by the owner of the business contracted to perform work, or the agent of such owner.

SECTION 10. The commonwealth of Massachusetts shall expend \$20,000,000 in fiscal year 2010 for funding of grants made pursuant to the establishment of the Public Safety Assistance Fund, for the planning and studies, acquisition of land and buildings and interest therein, the preparation of plans and specifications, construction, renovation, reconstruction, alteration, improvement, demolition, expansion, repair and equipment for municipal police and fire facilities; provided that the secretary of the executive office of public safety shall file an annual spending plan with the house and senate committees on ways and means, which details, by subsidiary, all administrative costs charged to this item. This amount shall increase to \$40,000,000 in fiscal year 20012 and \$60,000,000 in fiscal year 20013, at which time the annual amount shall remain \$60,000,000.